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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,167	07/16/2003	Steven F. Burson	01-7083	2201

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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/622,167

Applicant(s)

BURSON ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  
37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20030716.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 and 14-17, drawn to an interface, classified in class 439, subclass 217.
- II. Claims 12 and 13, drawn to a charging interface system, classified in class 320.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require one of the contacts being a spring coil. The subcombination has separate utility such as providing simultaneous data and power connections.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Peter Hsieh on 12/15/03 a provisional election was made without traverse to prosecute the invention of group I, claims 1-11 and 14-17. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 12 and 13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 616.

The drawings are objected to because they have elements shown in cross section which are not properly crosshatched. Insulating members shown in cross section should be properly crosshatched. See for example element 621 in Fig.6. It is brought to applicant's attention that the conventional crosshatch for insulating members shown in cross section is as follows.



The drawings are objected to as failing to comply with 37 CFR 1.84(m) because they include shading that reduces legibility and does not aid understanding of the invention. See Figures 1 and 4.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the specification. The first sentence should be removed from the abstract.

### ***Claim Objections***

Claims 1, 5, 8 and 10 are objected to because of the following informalities:

In claim 1 line 2, --, the first contact interface system-- should be inserted prior to "comprising"; and "an" should be --a--.

In claim 5 line 3, --the-- should be inserted prior to "corresponding".

In claim 8 line 2, "the headset" lacks antecedent basis. In line 3, "the battery" lacks antecedent basis. In line 5, "the other" lacks antecedent basis.

In claim 10 line 2, "the headset" lacks antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 2 is indefinite because there is an inconsistency within the claims. Claim 1, from which it depends, indicates that the subcombination, an interface,

is being claimed. However, later claim 2 contains positive limitations directed toward the portable rechargeable device, suggesting that applicant intends to claim the combination of the interface and the portable rechargeable device. Applicant is required to clarify what subject matter the claims are intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

In claim 8 line 1, it is unclear which of the first or the second positive terminals is being referred to by the claim.

Claim 8, requires that the first and second interface be used independently from each other to transfer charging current. However, the present invention requires the contacts in the first interface being in contact with the contacts on the second interface. Thus, making it unclear how the current can be transferred independently.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 9, 10 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop (US 5,540,599).

Bishop discloses an interface comprising: a first contact interface system for receiving a male connector comprising a housing (12) with a front surface (26), wherein the front surface includes an aperture (at 18) leading to a well within the housing, and wherein a first positive contact and a first negative contact are disposed within the well; and a second contact interface system comprising conductive contacts (24) disposed on the front surface outside the aperture, wherein the conductive contacts comprise a second positive contact (20) and a second negative contact (22).

Regarding claim 3, Bishop discloses both the first contact interface system and the second contact interface system utilize the aperture in the front surface to mate with corresponding contacts on a charger.

Regarding claims 4 and 5, please note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 15, please note that the edge of the aperture (at 18) defines a semi-spherical surface.

Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripod (US 2003/0045174).

Tripod discloses an comprising: a first contact interface system for receiving a male connector comprising a housing (10) with a front surface (at 14), wherein the front surface includes an aperture leading to a well within the housing, and wherein a first positive contact (left 28) and a first negative contact (right 28) are disposed within the well; and a second contact interface system (at 14) comprising conductive contacts (end

of 28 in contact with 14) disposed on the front surface outside the aperture, wherein the conductive contacts comprise a second positive contact and a second negative contact.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop in view of Wallo (US 3,467,940).

Bishop discloses substantially the claimed invention except for the spring coil. Wallo teaches the use of a spring coil (29) on the first contact (14) to provide a ground / short-circuit connection when the contacts are not in use. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the first contact of Bishop comprising a spring coil, as taught by Wallo, to provide a ground / short-circuit connection when the contacts are not in use.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daughtrey (US 5,133,667) and Ayres et al. (US 6,402,549) disclose connectors with contact and an aperture.

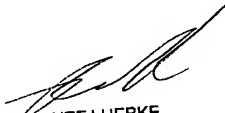
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr



RENEE LUEBKE  
PRIMARY EXAMINER